



NEW YORK
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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NEW YORK, NY 10004-2616

VIA ECF

May 27, 2022

The Honorable J. Paul Oetken
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2101
New York, NY 10007

Re: SEC v. Hwang, et al., No. 22 Civ. 3402 (JPO) (S.D.N.Y.)

Dear Judge Oetken:

Plaintiff Securities and Exchange Commission ("SEC") respectfully submits this letter to seek approval of the enclosed partial consent judgment jointly proposed by the SEC and Defendant William Tomita ("Tomita"), one of five Defendants in this action. The Commission and Tomita have reached a partial settlement that would resolve the non-monetary relief that the SEC seeks in this case against Tomita but leave open for later resolution by motion (or further settlement) the monetary relief sought.

The proposed consent judgment is fair and reasonable and does not disserve the public interest, under *SEC v. Citigroup Global Markets, Inc.*, 752 F.3d 285 (2d Cir. 2014). Among other things, the judgment would permanently enjoin Tomita from committing violations of the federal securities laws that the SEC charges him with in this case, and would bar him from serving as an officer or director of a public company. As described above, the consent judgment would leave open for later resolution the issue of monetary relief. As the proposed consent judgment states, Tomita entered a guilty plea in a related criminal proceeding, *United States v. Tomita*, No. 22-cr-231 (S.D.N.Y.), and a control date for sentencing has been set for October 28, 2022. The SEC anticipates that the parties will attempt to negotiate a resolution of the unresolved relief the SEC seeks after Tomita's sentencing.

The SEC therefore respectfully requests that the Court approve the enclosed proposed consent judgment and docket it with Tomita's enclosed signed consent.

Respectfully submitted,
/s/ Jack Kaufman
Jack Kaufman
Trial Counsel

cc: By ECF to all counsel of record
By email to Jason Brown, Esq. and Helen Cantwell, Esq.